

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DARLINGTON AMADASU,	:	Case No. C-1-01-210
	:	
Plaintiff,	:	Judge Dlott
	:	
v.	:	Magistrate Judge Black
	:	
JAMES R. DONOVAN, M.D., <u>et al.</u>	:	OHIO DEFENDANTS'
	:	MEMORANDUM IN OPPOSITION TO
Defendants.	:	PLAINTIFF'S MOTION TO STRIKE
	:	DECLARATION OF JAMES R.
	:	<u>DONOVAN</u>

Plaintiff Darlington Amadasu's motion to strike the March 29, 2005 Declaration of James R. Donovan should be denied in its entirety. Amadasu's motion to strike, which actually begins on page 36 of Amadasu's "Supplemental Memorandum" regarding summary judgment (Doc. 108), fails to cite any evidence whatsoever. Rather, Amadasu simply opines -- without evidentiary support -- that the declaration was "perjurious."

To the extent that Amadasu purports to rely on his June 9, 2005 "Supplemental Declaration," that declaration itself is subject to strike because it was submitted in violation of Local Rule 7.2(d). Further, that "Supplemental Declaration" itself consists of little more than Amadasu's own views on how Dr. Donovan and the other Ohio Defendants should have conducted their organization. Likewise, in his "Supplemental Declaration" Amadasu again relies on two letters that purport to be from Dr. Donovan but are, in fact, forgeries. The Ohio Defendants have brought this forgery issue to the Court's attention with a motion to strike and a request that the Court consider, after hearing, whether sanctions against Amadasu are appropriate. (Doc. 110).

For all of the foregoing reasons, Amadasu's motion to strike Dr. Donovan's declaration is without merit and should be denied.

Respectfully submitted,

By: /s/ Justin D. Flamm

Gregory Parker Rogers (0042323)

Justin D. Flamm (0071575)

Taft, Stettinius & Hollister LLP

425 Walnut Street, Suite 1800

Cincinnati, Ohio 45202-3957

(513) 381-2838

(513) 381-0205 (fax)

Special Counsel for the Attorney
General of Ohio

Trial Attorneys for the Ohio Defendants

OF COUNSEL:

Mitchell D. McCrate (0047403)
Associate General Counsel
University of Cincinnati
Office of the General Counsel
300 Administrative Building
Cincinnati, Ohio 45221-0623
(513) 556-3483

{W0462538.1}

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served copies of the foregoing upon Darlington Amadasu, Plaintiff Pro Se, at P.O. Box 6263, Cincinnati, Ohio 45206, and upon John Grey, counsel for Claudia Miller and the University of Texas Health Science Center at San Antonio, at Assistant Attorney General for the State of Texas, General Litigation Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548, via regular United States mail, postage prepaid, this 23rd day of June, 2005.

By: /s/ Justin D. Flamm

Gregory Parker Rogers (0042323)
Justin D. Flamm (0071575)
Taft, Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202-3957
(513) 381-2838
(513) 381-0205 (fax)

Special Counsel for the
Attorney General of Ohio

Trial Attorneys for the Ohio Defendants